



## **Principles Governing State Agency Correspondence Under the Growth Management Act**

State and local governments have a shared responsibility to provide public services and facilities, improve the quality of life, protect the air and water quality, and protect fish and wildlife habitat for all Washington residents, present and future. Land use decisions and patterns of land development have a significant influence on these areas of responsibility. Under the GMA, it is primarily local governments who have responsibility for regulating land use and development, and for balancing the 14 goals of the GMA.

As a consequence, local government planning decisions, both individually and collectively, are matters of critical importance to state agencies. State agencies provide funding and technical resources to local governments and also comment on the effects of proposed local land use policies and regulations. State agencies are also responsible for developing and operating many facilities that residents of the state depend on and state agencies are required, under RCW 36.70A.103, to comply with local comprehensive plans.

This shared responsibility requires state and local governments to work together as partners during the drafting of local plans. WAC 365-195-710 calls on state agencies to use comment letters as one means of advising local governments of other laws that may be related to the local land use decision before them. WAC 365-195-735 also provides local governments a list of state and regional regulations that may affect their decisions. The following principles will establish expectations to guide collaborative input into local planning decisions.

### **Principles Regarding State Agency – Local Government Coordination on GMA Actions:**

1. Early notification and involvement is critical to effective participation and is essential to provide sufficient time for state agencies and local governments to follow the principles established.
2. Local governments will make every effort to seek out state agency participation as early in the process as possible. State agencies will make every effort to respond to such requests as early as possible. For significant issues, this should be in advance of a formal public participation process and will allow reasonable time for comments to be prepared and discussed prior to a formal planning commission recommendation.
3. Effective participation requires on-going involvement. State agencies and local governments will make every effort to maintain contact throughout the planning process. This should include at least one contact, preferably by phone, with local government staff or elected officials before drafting a written comment letter.

4. State agencies will share draft comments informally with local government staff or elected officials and be available to discuss the language in the letter prior to sending formal written comments.
5. Each state agency will approve procedures that ensure written correspondence on growth management issues reflects the official agency position. Each state agency will designate a lead person for GMA issues. Local governments, including local elected officials, who have a serious policy disagreement with an agency position may contact the agency GMA lead directly to resolve a policy disagreement prior to the state agency finalizing its written comments. Because state agencies are required to meet local government deadlines for comments and hearings, state agencies may request comment deadline extensions to allow time to discuss draft letters or for resolution of issues prior to final submittal of state agency comments.
6. Although state agencies have different mandates and interests, state agencies will make every attempt to resolve conflicts prior to finalizing comments to local governments. State agencies should attempt to contact appropriate staff at other state agencies to coordinate comments. When local governments identify apparent discrepancies in agency interpretations or policies, these should be immediately communicated to the state agency GMA leads and to CTED so that they can be resolved.
7. State agency involvement in commenting on local government plans under the GMA is a technical assistance role and not a regulatory role. State agency written correspondence will not state that local plans are out of compliance with the GMA. State agencies may express concerns, but conclusory statements as to compliance will be avoided.
8. State agencies may provide guidance that urges local governments to exercise their discretion in ways that go beyond the minimum requirements of the law. State agencies may also point to a particular means of meeting the requirements of the GMA without the implication that this is the only way to meet those requirements.
9. State agencies will clearly distinguish in their correspondence between legal requirements, guidance regarding best practice, matters of fact and matters of professional opinion.
10. State agency comment letters are public records. State agencies and local governments are required by the Public Disclosure Act to provide a copy of state agency correspondence in its possession to any person who requests it. State agencies and local governments will make every effort to notify each other as soon as possible when they have complied with such a request.
11. State agencies and local governments will review these principles as needed to ensure that they are meeting their intended purpose.